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|  <p style="text-align: center;">Council Communication Office of the City Manager</p> | Date: | May 23, 2016 |
| | Agenda Item No. | 47 |
| | Roll Call No. | [] |
| | Communication No. | 16-268 |
| | Submitted by: | Phillip Delafield, Community Development Director |

AGENDA HEADING:

Approving vacation and lease of 434 square feet of public right-of-way for a sidewalk café on public sidewalk adjoining and next to 208 Court Avenue, for RoCA Restaurant.

SYNOPSIS:

Recommend approval of vacation of a segment of public sidewalk and approval of a sidewalk café lease agreement for RoCA Restaurant, located at 208 Court Avenue, for the purpose of an outdoor patio space. The project is represented by Todd Millang, Owner, 208 Restaurant and Bar, LLC, 6900 Westown Parkway, West Des Moines, IA 50266.

FISCAL IMPACT:

Amount: \$2,053 collection of 3-year lease for sidewalk café area.

Funding Source: CD042044, 468440, Revenue from lease of public right-of-way for a sidewalk café is deposited in the revenue account.

ADDITIONAL INFORMATION:

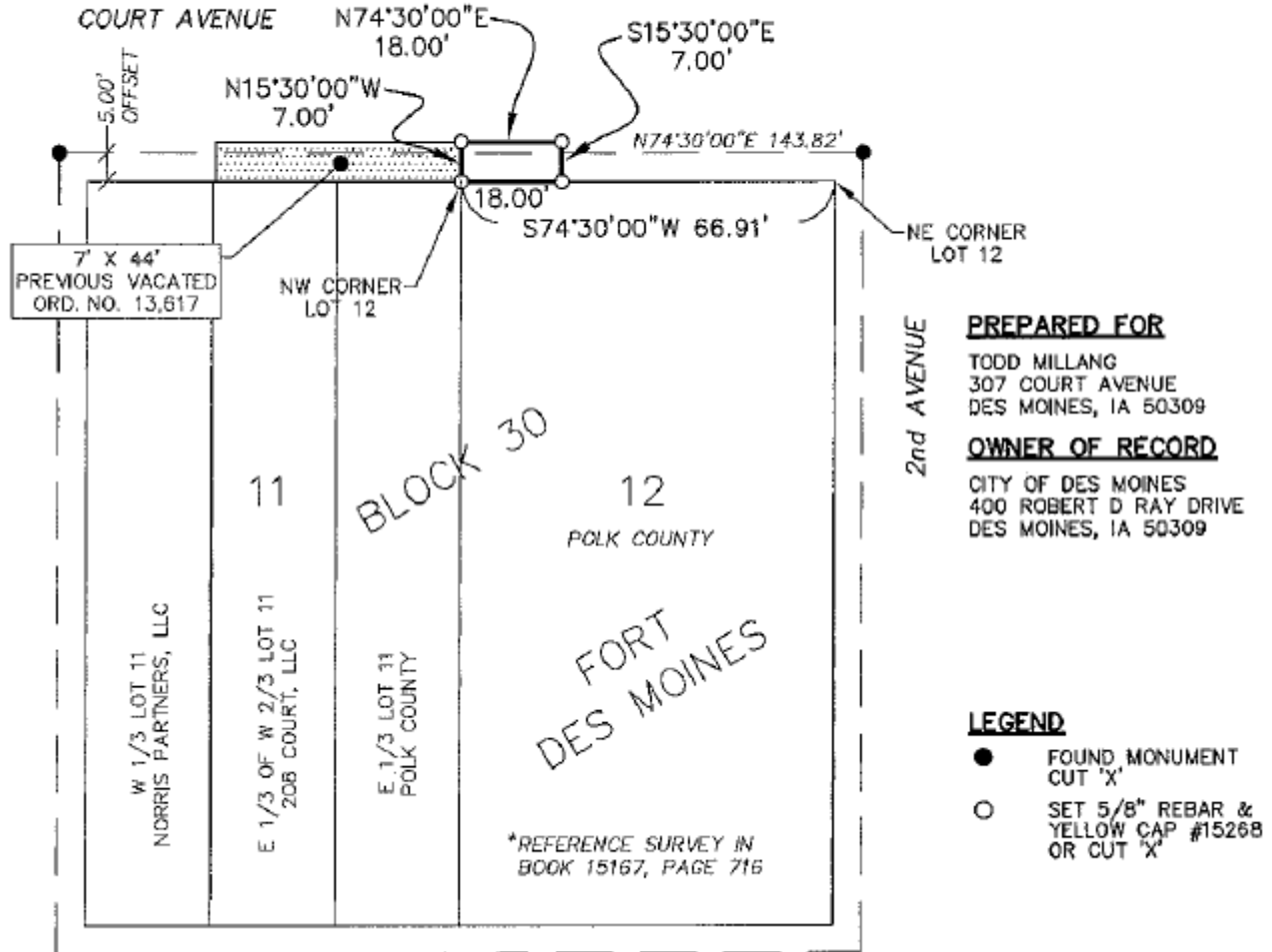
208 Restaurant and Bar, LLC, (DBA RoCA), located at 208 Court Avenue, wishes to install a 434 square feet outdoor patio in the adjacent public sidewalk, and a portion of the sidewalk adjoining 200 Court Avenue, located directly east of RoCA. The proposed patio space adjacent to 200 Court Avenue and 208 Court Avenue is 62 feet long and seven (7) feet wide. The sidewalk can still provide for an unobstructed pedestrian walking area with a total of six (6) feet of width. The open and unobstructed sidewalk is compliant with the Americans with Disabilities Act and will allow for the free flow of pedestrian traffic.

The lease area will contain movable tables and chairs and a minimum 36-inch tall fence barrier as required by City Code for full service of food and alcoholic beverages. Staff has determined the area to be vacated is not necessary for other public purpose, and the application for a sidewalk café meets all requirements of the design standards as approved by City Council on January 28, 2013.

Since the applicant is seeking to vacate and lease a portion of public sidewalk east of 208 Court Avenue that does not directly adjoin their property, additional written consent of the adjoining property owner (Polk County) was requested and obtained, and is on file in the Permit and Development Center. Should the parking lot owned by Polk County be redeveloped in the future, the City will retain the

right to have the patio removed from the sidewalk upon providing the applicant with a minimum 30-day notice, stating that the lease agreement would be terminated.

RIGHT-OF-WAY VACATION PLAT



PREVIOUS COUNCIL ACTION(S):

Date: May 9, 2016

Roll Call Number: [16-0757](#)

Action: On vacation and lease of a portion of the Court Avenue right-of-way for the expansion of the sidewalk café adjacent to the RoCA Restaurant at 208 Court Avenue, (5-23-16). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Renewal of future sidewalk café lease agreement.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Administration Building, 400 E. Court Avenue Ste.116. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.